

United States District Court
Western District of Texas
San Antonio Division

Fairmont-Immanuel Bankhouse,

Plaintiff,

v.

Case No. 5-21-cv-742

All administrative-machinery and property, instrumental to entities, agents and persons of the United States Postal Service—all foregoing people, things and machinery, directly or indirectly, withholding mail from 8568 State Highway 80, Leesville, Texas 78122; A public Leesville, Texas post office; and Postal code 78122, its public instrumental mail-delivery apparatuses and administrative-machinery,

Defendants.

Notice of Removal

Defendants file this Notice of Removal, pursuant to the provisions of 28 U.S.C. § 1442, removing the above-entitled action now pending as Cause No. 28,027 in the 25th Judicial District Court, Gonzales County, Texas.

On or about July 9, 2021, an action was filed as Cause No. 28,027 in the 25th Judicial District Court, Gonzales County, Texas, entitled Fairmont-Immanuel Bankhouse, Plaintiff, vs. All administrative-machinery and property, instrumental to entities, agents and persons of the United States Postal Service—all foregoing people, things and machinery, directly or indirectly, withholding mail from 8568 State Highway 80, Leesville, Texas 78122; A public Leesville, Texas post office; and Postal code 78122, its public instrumental mail-delivery apparatuses and administrative-machinery. A copy of Plaintiff's Original Petition and all pleadings are attached hereto as **Exhibit 1**. Upon information and belief, the United States and the United States Postal

Service have not been properly served with the Citation or Petition pursuant to Federal Rule of Civil Procedure 4(i) and cannot waive service. Trial has not been set or held.

Pursuant to the provisions of 28 U.S.C. § 1446(d), a Notice of Filing Notice of Removal will be filed with the 25th Judicial District Court, Gonzales County, Texas, a true and correct copy of which is attached hereto as **Exhibit 2**.

Pursuant to Local Court Rule CV-3(a), a JS 44, Civil Cover Sheet is attached hereto as **Exhibit 3**.

As this federal case is being initiated via removal, a Supplement to JS 44 is attached hereto as **Exhibit 4**.

Defendants provide this Notice that the action now pending in the 25th Judicial District Court, Gonzales County, Texas is timely removed to this Court

Respectfully submitted,

Ashley C. Hoff
United States Attorney

By: /s/ Matthew Mueller

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Attorneys for Defendants

Certificate of Service

I certify that on August 5, 2021, I electronically filed this document with the Clerk of Court using the CM/ECF system.

- ☒ I also certify that I have mailed this document by United States Postal Service, certified mail, to the following non-CM/ECF participant(s):

Fairmont-Immanuel Bankhouse
125 Cedar Elm Lane
Georgetown, TX 78633

/s/ Matthew Mueller

Matthew Mueller
Assistant United States Attorney